IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 388 OF 2006

FILOMENA FATIMA BARCA, PANAJI GOA. ....Petitioner

Versus

THE ADJUDICATING AUTHORITY JOINT COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE AND 4 ORS., ...Respondents

Mr. Edwin Furtado,Advocate for the Petitioner.
Mr. C.A. Ferreira, Asst. Solicitor General for the Respondents.

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 25th September, 2006

P.C.:-

Heard the learned Counsel for the petitioner and the learned Assistant Solicitor General for the respondents.

By this petition, the petitioner is basically challenging the Show Cause Notice dated 4-7-2005 issued under Section 124 of the Customs Act, 1962. The learned Assistant Solicitor General appearing for the respondents brought to our notice in the affidavit-in-reply of respondent no.1 which makes it clear that the notice is basically with the offence committed under the provisions of the Customs Act. The same is apparent from the Order passed by the Compounding Authority under the Foreign Exchange Management Act, 1999 by Order dated 15-2-2006 which Order also makes it clear that the offence if any committed by the petitioner under Section 77 of the Customs Act, 1962 is outside the scope of the proceedings and the same is not being considered for being compounded. The said Order also makes it clear that the Order was issued under the Foreign Exchange Management Act, 1999 and is without prejudice to any other action that may be taken under the provisions of any other law in force.

In view thereof, we are not inclined to entertain the above at the

Show Cause Notice stage. We do not find any illegality or perversity in the impugned Show Cause Notice, hence the petition stands dismissed. The learned Counsel for the petitioner seeks four weeks time to file an appropriate reply to the aforesaid Show Cause Notice. Accordingly four weeks time is granted to file a reply to the aforesaid Show Cause Notice. Thereafter the concerned Authority to decide the case on its own merits, in accordance with law.

DR. S. RADHAKRISHNAN, J.

N. A. BRITTO, J.

RD.